

DEC 06 2004

**BARNES & THORNBURG**  
btlaw.com11 South Meridian Street  
Indianapolis, Indiana 46204-3535  
(317) 236-1313

Fax Number: (317) 231-7783

## FAX COVER SHEET

	<b>NAME</b>	<b>COMPANY NAME</b>	<b>TELECOPY NO.</b>
<b>TO:</b>	Mail Stop Amendment Commissioner for Patents	U.S. Patent and Trademark Office	(703) 872-9306

**FROM:** Shawn D. Bauer, Esq.**DIRECT DIAL:** (317) 231-7313**E-MAIL:** sbauer@btlaw.com**DATE:** December 6, 2004**TIME SENDING:****NUMBER OF PAGES (INCLUDING THIS COVER SHEET):**12If you have difficulty receiving this Fax, please call Barnes & Thornburg at 317-231-7557 and ask for Karla Mays

Faxed: December 6, 2004  
 Applicant: David Gregory Kitchens  
 Invention: METHOD AND APPARATUS FOR PERCUTANEOUSLY SECURING  
 A BONE SCREW AND A BONE PLATE TO A BONE OF A PATIENT  
 Serial No.: 09/934,052  
 Filed: August 21, 2001  
 Docket: 14291-68335

- ☒ Transmittal Letter  
☒ Copy of Amendment filed by fax on Wednesday, November 17, 2004  
☒ Copy of Fax Cover Sheet dated November 17, 2004  
☒ Copy of Facsimile Transmission Report (Showing Successfully Completed Transmission)

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CLIENT# 14291MATTER# 68335

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Indianapolis, IN 46204  
(317) 236-1313  
(317) 231-7433 Fax

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group: 3732

Confirmation No.: 7380

Application No.: 09/934,052

Invention: METHOD AND APPARATUS FOR  
PERCUTANEOUSLY SECURING A  
BONE SCREW AND A BONE PLATE  
TO A BONE OF A PATIENT

Applicant: David Gregory Kitchens

Filed: August 21, 2001

Attorney

Docket: 14291-68335

Examiner: Eduardo C. Robert

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being  
facsimile transmitted to the United States Patent  
and Trademark Office, fax number (703) 872-  
9306

on 12-6-04

Karla I. Mays  
(Signature)

Karla I. Mays  
(Printed Name)

TRANSMITTAL LETTER

Mail Stop Amendment  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


Attached is a copy of a Response that was filed on Wednesday, November 17, 2004 via facsimile transmission to the USPTO. Also attached is a facsimile transmission report that shows that transmission of the Response was successfully completed on November 17, 2004. Applicant's attorney is resubmitting this Response as a result of a telephone call from the Examiner in which the Examiner indicated that the Response cannot be found in the records at the USPTO. Applicant respectfully requests entry of the attached Response on the date it was filed, i.e., November 17, 2004.

It is respectfully requested that this paper be considered as a Petition for an Extension of Time sufficient to effect such a timely response. Any shortages in other fees should be charged,

or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 14291-68335.

If the attached Response is not entered as of its filing date of November 17, 2004, Applicant's attorney requests the courtesy of a phone call to discuss the same at the below-listed number.

Respectfully submitted,  
BARNES & THORNBURG



Shawn D. Bauer  
Attorney Reg. No. 41,603

SDB/kim  
Indianapolis, IN  
(317) 231-7313

INOS02 SDB 694672v1

12/06/2004 14:38 FAX  
11/17/2004 16:49 FAX

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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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TO:	Mail Stop Amendment Commissioner for Patents	U.S. Patent and Trademark Office	(703) 872-9306

FROM: Shawn D. Bauer

DIRECT DIAL: (317) 231-7313

E-MAIL: sbauer@btlaw.com

DATE: November 17, 2004

TIME SENDING: 

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 

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Faxed: November 17, 2004  
Applicant: David Gregory Kitchens  
Invention: METHOD AND APPARATUS FOR PERCUTANEOUSLY SECURING  
A BONE SCREW AND A BONE PLATE TO A BONE OF A PATIENT  
Serial No.: 09/934,052  
Filed: August 21, 2001  
Docket: 14291-68335

☒ Amendment  
☒ Combined Amendment & Petition for Extension of Time Under 37 CFR 1.136(a)(Large Entity)

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Commissioner for Patents  
COMPANY NAME U.S. Patent and Trademark Office  
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MATTER# 68335

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Route to: Karla Mays

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**

Docket No.  
14291-68335

In Re Application Of: **David Gregory Kitchens**

Application No. 09/934,052	Filing Date 8/21/01	Examiner Eduardo C. Robert	Customer No. 23643	Group Art Unit 3732	Confirmation No. 7380
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Invention: **METHOD AND APPARATUS FOR PERCUTANEOUSLY SECURING A BONE SCREW AND A BONE  
PLATE TO A BONE OF A PATIENT**
**RECEIVED  
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**DEC 06 2004**
COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 5/17/04 in the above-identified application.  
Date

The requested extension is as follows (check time period desired):

☐ One month    ☐ Two months    ☒ Three months    ☐ Four months    ☐ Five months

from: 8/17/04 until: 11/17/04  
Date Date

The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	7 -	25 =	0	x \$18.00	\$0.00
INDEP. CLAIMS	2 -	4 =	0	x \$88.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$980.00
<b>TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME</b>					<b>\$980.00</b>

P2BLARGE/REV04

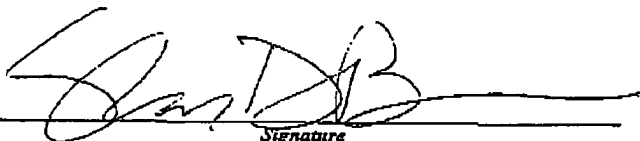
**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Large Entity)**Docket No.  
14291-68335

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \_\_\_\_\_ for the amendment and extension of time is enclosed.
- ☒ Please charge Deposit Account No. 10-0435 in the amount of \$980.00
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 10-0435
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Dated: 11/17/04

  
Signature

Shawn D. Bauer, Esq.  
BARNES & THORNBURG LLP  
11 S. Meridian Street  
Indianapolis, IN 46204  
(317) 231-7313

Attorney Reg. No. 41,603

CC:

P28LARGE/REV04